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Date: JULY 27, 2005

To: EXAMINER OMARY, NAWARA
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (571) 273-8300

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920010390 (9000/41)

of Pages: 6
(including cover sheet)

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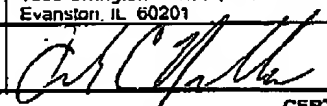
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Attorney Docket No.	AUS920010390US1 (9000/41)
	Application Number	09/881,873
	Filing Date	JUNE 14, 2001
	First Named Inventor	KULVIR S. BHOGAL
	Group Art Unit	2683
	Examiner	OMARY, NAWARA

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawing Sheets <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Reply Brief Under §41.41 <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Post Card Receipt <input type="checkbox"/> Additional Enclosure(s) (please identify below): <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. <u>09-0447</u> (IBM Corporation). A duplicate copy of this sheet is enclosed.

CALCULATION OF FEE

				Small Entity		Large Entity	
	Claims After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total	Minus		0	x \$25=	0	x \$50=	
Indep.	Minus		0	x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim				+ \$180=	—	+ \$360=	
				total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201		
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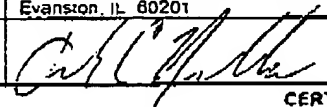
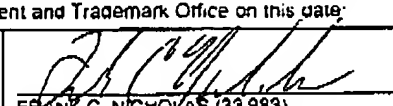
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	Examiner	OMARY, NAWARA

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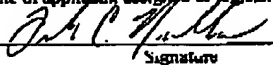
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First Presentation of Multiple Dep. Claim						+ \$180=	---	+ \$360=	
					total add'l fee	\$ 0		total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orange Avenue, Suite 2000 Evanston, IL 60201		
Signature		Date	July 27, 2005
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FRANK C. NICHOLAS (33,983)
Name of applicant, assignor or registered representative

Signature
July 27, 2005
Date of Signature

PATENT
Case No.: AUS920010390US1
(9000/41)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re patent application of:)	
)	
KULVIR S. BHOGAL, ET AL.)	Examiner: OMARY, NAWARA
)	
Serial No.: 09/881,873)	Group Art Unit: 2683
)	
Filed: JUNE 14, 2001)	
)	
Title: TRACKING COMMUNICATIONS)	
USAGE TIME)	

REPLY BRIEF UNDER §41.41

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Commissioner for Patents
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Dear Sir:

Appellants herewith respectfully present their Reply Brief on Appeal as follows:

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Filed: June 14, 2001
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Pursuant to §41.41, Appellants opt to maintain their appeal of the rejections, as the Examiner has proffered no substantially new arguments or rejections in the Office Action of June 21, 2005.

Despite reopening prosecution, the Examiner makes no substantial changes to the previous rejections, such that the previous arguments advanced by Appellants are as valid today as prior to the Examiner's "response." The Board is directed to Appellants' prior filings for a full discussion.

The Examiner proffers only two new grounds – a "§112" objection and a §103(a) rejection of claim 32. Each rejection is traversed, and will be addressed individually.

The objection to claims 2 and 17 alleges that there is more than one modified call count shown or recited. While the Examiner fails to provide any statutory support for the objection, Appellants believe the Examiner to be relying on §112. Regardless, this allegation is unsupported, and Appellants provided ample antecedent basis for the claims. Appellants further note that the Examiner has had ample opportunity to issue this rejection previously, as this case has previously been before this Board, and the most recent office action is the Examiner's fifth action on this application. Withdrawal of the "§112" objection is requested.

The rejection of claim 32 as unpatentable over Lewis in view of Westerlage (the Examiner mistakenly identifies the reference as "Waterlage" in the June 21, 2005 office action). Claim 32 requires "storing the modified call count in the memory of a cellular telephone unit" which Lewis, contrary to the Examiner's assertion, plainly does not show. As Appellant noted in their Second Appeal Brief, filed April 12, 2005, the references, at most, teach storing a call count at a monitor attached to a conventional cellular mobile telephone. See, Lewis, column 5, lines 37-42.

As the Examiner has provided no supportable basis to reject claims 1-32 (Groups 1 and 2), this case should promptly pass to issue.

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SUMMARY

The Appellants respectfully submit that claims 1-32 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: July 27, 2005

Respectfully submitted,
Kulvir S. Bhogal, et al.

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